

*People v. Jerry Gene Percy, 22PDJ044. July 29, 2022.*

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Jerry Gene Percy (attorney registration number 05875) for three years. The suspension took effect on July 29, 2022. To be reinstated to the practice of law in Colorado following his suspension period, Percy must petition the Presiding Disciplinary Judge and establish by clear and convincing evidence that he has been rehabilitated, has complied with all disciplinary orders and rules, and is fit to practice law.

In April 2002, Percy was suspended in case number 02PDJ018 for advising clients while he was administratively suspended. Percy never sought reinstatement from his disciplinary suspension and has remained suspended since 2002.

Even so, in 2014, two clients retained Percy to file a trademark application for the clients' business. Percy never filed the trademark application, though he billed the clients and the clients paid him for that work. The clients also enlisted Percy to help them sell the business. In 2016, Percy negotiated a sale agreement between the clients and a buyer, the clients' son. Percy encouraged the parties to the transaction to contact him separately if they had concerns about the transaction or his joint representation. The agreement was to go into effect in October 2016, and at that time, the parties to the transaction began to operate substantially in line with the agreement's terms. But Percy did not finalize the sale documents, and he continued to discuss the transaction with the parties together and individually. Eventually, the parties' relationships deteriorated, delaying the sale's completion until March 2021.

In 2020, a lawyer advised Percy that the lawyer represented the buyer in the transaction. The lawyer learned that Percy was suspended. In December 2020, one of Percy's clients confronted Percy about his disciplinary suspension. Percy told the client that he would investigate the matter and let the client know. But Percy never informed the client that he had been suspended throughout the representation or report back to the client after having been confronted. Percy continued to represent the clients and the business in connection with the transaction into 2021.

Through this conduct, Percy violated Colo. RPC 1.3 (a lawyer must act with reasonable diligence and promptness when representing a client); Colo. RPC 1.7(a)(1) (a lawyer must not represent a client if the representation is directly adverse to another client); Colo. RPC 1.7(a)(2) (a lawyer must not represent a client if the representation involves a concurrent conflict of interest); Colo. RPC 1.9(a) (a lawyer who has formerly represented a client in a matter must not later represent another person in the same or a substantially related matter in which that person's interests are materially adverse to those of the former client unless the former client gives written informed consent); Colo. RPC 3.4(c) (a lawyer must not knowingly disobey an obligation under the rules of a tribunal); and Colo. RPC 5.5(a)(1) (a lawyer must not practice law without a law license or other specific authorization).

The case file is public per C.R.C.P. 242.41(a).